

# FITCH FILES HIS CLAIM

## The Marcus Island Title Before Hay.

By the last steamer there was sent forward to Washington the application of the Marcus Island Guano Company for a money indemnity for the loss of Marcus Island, or for the restoration of their rights to the speck in the mid-Pacific. The application is placed in the hands of Ex-Senator John M. Thurston who will present it to the State Department.

The documents sent to Secretary Hay go to prove the ownership of the island by Captain Rosehill, W. C. Peacock and Thos. Fitch. Affidavit is made by Captain Rosehill of his discovery of the island and the hoisting of the American flag and the subsequent visit after the claim was made. The correspondence with the Japanese government is set out in full and there are also photographs illustrating the landing of the party from the Julia E. Whalen and of scenes on the island.

As the matter now stands the Marcus Island Co. is liable to forfeiture of the bond of \$50,000 filed with the State Department, in which it was agreed that proper facilities for the removal of the guano deposits must be made within twelve months. As it is now impossible to do this the Honolulu promoters are up against a serious proposition.

An exhaustive brief has been prepared by Col. Fitch in support of Captain Rosehill's claim to the island. Mr. Fitch in his view of the case claims that:

"So far as Rosehill's individual rights are concerned it is true, that he might have lost them ultimately, by non user, or by abandonment. Such abandonment might have been effected by a formal instrument, filed with the Department of State, or it might have been presumed from failure to occupy the island. But such presumption can only be indulged in, when the owner of land, or of an easement such as a road or alley, or of a water right, absolutely abandons or continuously for a period as long as is necessary to acquire an adverse title to real estate under the statute of limitations. In few of the States is this period fixed by statute, at less than ten years, and at common law it is twenty-one years. Captain Rosehill was not physically absent from Marcus, more than seven years at any one time, and between his last visit in 1895, and the Japanese advent in 1896, the period was less than one year. In any event, if Rosehill was guilty of neglect, that was a question between his government and himself, with which the government of the United States had no concern; and Rosehill's laches, if there were laches, was condoned by the United States when it accepted his fifty thousand dollars bond, and issued to him its license to occupy Marcus Island.

"There is another view of the law under which if we cannot obtain the island we ought to obtain from Japan indemnity for its loss.

"If the State Department shall hold that the action of Secretary Blaine in 1889, in filing Captain Rosehill's papers, did not constitute an acceptance, by the United States, of sovereignty over Marcus Island, and that the action of the department in 1902, in accepting a bond from Captain Rosehill, was not an acceptance of sovereignty, because in 1889 the claim of Japan intervened. If the State Department shall hold that the United States has never claimed or exercised sovereignty over Marcus Island and if the Guano Act of Congress is not to be considered at all in this connection, it still appears:

"First. That Captain Rosehill, by his acts in 1889 acquired possession of, and a right of property in, and that this right so acquired became vested by the building of a house, and a year's actual occupation.

"Second. That this right was still existing and undisturbed by any adverse claim, when, in 1895, he again landed on the island.

"Third. That the Government of Japan does not claim that its subjects made any formal claim to the island, or attempted any permanent occupancy of it until 1896 or that the Japanese Government recognized Marcus as a part of its possessions until 1898.

"Fourth. That the rights of property acquired by Captain Rosehill in 1889, and re-asserted in 1895, could not under the laws of Japan, or of any other civilized power have been lost by abandonment, or non use, during the brief period that existed between his occupancy, and the advent of the Japanese.

"Fifth. That these rights were still existing when Rosehill and his men were expelled from the island by the Japanese Government officials, in August, 1902.

"Sixth. That conceding that the United States has no claim to sovereignty over Marcus, yet its citizen has a just claim against Japan for the value of his property forcibly taken from his possessions.

"Seventh. That it is the duty of the United States to present his claim.

"If the Department of State shall coincide with these views, the Marcus Island Company will be ready to supply it with proofs as to the actual value of the island, which I may state informally is the value of the guano there deposited. This under the Act of Congress, is four dollars per ton—less than one-half of its actual value. The extent of these deposits is not known, and the Government of Japan prevented us from ascertaining with any degree of accuracy, but there are conjectured to be between one hundred thousand and one million tons.

# FIGURES SHOW HOW MAUI CAST VOTES ON TUESDAY

SECOND DISTRICT—KONA, KAU AND KOHALA, ISLAND OF HAWAII.

	1	2	3	4	5	6	7	8	Total
Kuhio	147	127	129	123	14	41	67	751	
Wilcox	172	21	45	59	49	25	43	10	485
For Senators:									
Apiki	1	2	3	4	5	6	7	8	Total
Desha	58	17	23	17	54	7	46	21	412
Makakau	34	30	51	46	22	6	55	25	289
Paris	69	21	100	186	105	17	43	37	578
Pua	105	41	44	22	46	27	42	35	380
Woods	239	39	72	38	32	22	46	3	491
For Representatives:									
Apiki	1	2	3	4	5	6	7	8	Total
Greenwell	8	4	21	107	23	6	49	12	220
Kanihwa	74	22	86	168	12	16	13	17	458
Kaniho	9	3	78	22	4	1	15	6	128
Kekaula	196	37	63	37	26	19	51	9	438
Kellikoa	10	11	43	15	3	2	72	40	197
Kellikoa	64	20	115	141	33	3	8	22	426
Kaulouli	84	10	32	29	24	3	91	9	279
Lezaro	13	3	4	20	36	34	19	1	187
Makahalupa	51	25	105	141	39	29	26	1	436
Malulani	5	12	18	8	11	1	14	1	74
Monsarrat	41	19	45	42	26	11	44	64	342
Naope	94	13	24	17	40	13	26	2	231
Pulua	255	60	25	88	11	7	47	32	548
Uliama	96	22	54	119	102	21	1	5	440

Candidates, 1902.

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Total
Kalaniana'ole	129	70	79	20	9	151	81	19	42	136	23	39	112	49	23						969
Wilcox, R. W.	99	70	111	61	12	272	15	18	41	40	12	30	78	44	42						944
Clark, T.	37	51	12	17	0	78	5	1	40	16	7	21	23	0	8						317
Dickey, C. H.	114	53	44	13	6	120	78	21	28	134	22	22	97	55	17						824
Kamakua, J.	4	2	3	3	0	6	2	5	7	7	2	2	4	1	5						53
White, Wm.	74	34	120	41	8	198	7	9	3	9	4	2	55	36	37						631
Aukai, D. H.	8	5	2	3	0	5	3	3	9	9	4	2	55	36	37						66
Beckley, F. W.	97	77	103	45	11	255	14	15	31	30	6	25	84	49	44						886
Forsthy, A. K.	28	36	11	12	0	37	5	2	44	11	8	21	11	0	6						237
Hala, W. P.	111	50	40	16	6	129	73	16	25	119	21	27	128	49	17						827
Hilho, J. K.	96	50	109	55	10	238	13	15	18	15	2	66	50	37	776						
Kalama, S.	107	57	25	14	6	139	83	15	55	146	23	32	101	46	19						895
Kauakua, S.	22	10	3	15	0	37	3	4	8	1	0	24	3	10	137						
Kawahoa	93	37	41	12	11	24	2	2	43	45	40	709									
Kellinot	117	69	59	19	8	177	79	17	56	133	21	35	105	62	24						949
Kookoo	88	38	92	40	8	252	8	17	28	25	5	16	70	48	41						774
Makakau	87	29	120	43	11	198	10	12	22	25	5	26	70	47	35						738
Nakaleka	114	74	36	12	0	322	73	15	23	118	19	19	47	13	787						
Naki, Pala	18	71	11	10	0	81	3	4	18	11	7	14	16	1	3						219
Pall, Philip	115	48	85	37	10	141	76	15	28	116	20	25	90	46	15						867
Richardson	36	46	20	7	0	49	5	3	15	12	10	32	18	2	7						262
von Tempisky	110	40	36	12	6	131	76	16	40	115	18	12	90	47	19						779
Wailehua	68	31	72	29	9	213	4	9	9	1	2	71	44	29	600						

## THE KONA ORPHANAGE IS IN NEED OF MONETARY AID

Report of Kona Orphanage for October, 1902.—During the month six children have been received; one little boy a year and a half old, a girl three and a girl four years old, whose father (a Norwegian), deserted his family, leaving them in poverty. The neighbors and Associated Charities have been caring for them. Mrs. Berger, manager of the Associated Charities asked me to take the children. On the same boat with these children came two native boys, ages seven and eleven years, who have neither father nor mother, and whose grandmother, with whom they were living, was too old and feeble to care for them. Also one Russian-Native boy, orphan, thirteen years old sent by Mrs. Berger, manager of the Associated Charities.

I received a letter a few days ago from a lady in Hilo asking about putting two children here, ages eight months and seven years. She said that the mother recently died and the father must labor.

We now have forty-four children. The expenses during the month are as follows: salaries, \$165; labor, \$20; food, \$41.70; household supplies, clothing, bedding and incidentals, \$132.47; total, \$359.17.

Money received during the month: Miss Harrison, \$5; Miss Felker, \$10; Miss Beard, \$288; money taken in at orphanage, \$5.40; total amount for month, \$309.40.

Services and articles received: Miss Felker, clothing; Mrs. Godfrey, clothing; Mrs. Madra, clothing; Miss Harrison, one week's work at orphanage; Mrs. Cockburn, twelve dozen quarts of

grape jam; Mr. Chas. F. Hart, one book for library; Miss Belle Johnson, one book for library; Miss L. A. Tisdale, two books for library; Mrs. Monroe (Tarrytown, N. Y.), five books; Mrs. Anna R. Hill, two books; Dr. Elkin, two books; Mrs. Hendrickson, children's story books.

We now have fourteen hundred dollars in the treasury which will last but four months at the present rate. Painting, whitewashing, repairing and building to the amount of four thousand dollars should be done within the next four months. This is the only place in the islands which provides a home for children of all ages and nationalities. More than two thirds of our children are from Honolulu. This institution has been open and receiving children for three years, and during all that time, but \$2,243 has been contributed by Honolulu people, and \$695 by people on the other islands and in California. I would not ask any one to help if I had money of my own, but I do intend the needy children shall be cared for. It is God's work and some one will send the money. As I write I am watching a delicate little baby whose father never owned him and whose mother forsook him. Why don't I have a nurse for him? Because I want to make the little money that I have care for as many as possible of the poor homeless little ones. I cannot go to Honolulu to solicit—am needed here. You who are able and willing, please send me the money or deposit it with Bishop's Bank for Kona Orphanage.

ALICE F. BEARD, Manager of Kona Orphanage.

## NOT ALASKAN FRONTIER MARKS

VICTORIA, B. C., Oct. 30.—Archibald Cameron, road superintendent, who has just arrived here from Porcupine, says the line of boundary monuments alleged to have been discovered and stated to be the demarkation of Alaskan boundary are ruins of stone huts built by the Indians of the interior, where they met those of the coast on a neutral ground about sixty-eight miles from tidewater and about ten miles beyond the timberland.

He describes the origin of the huts as follows:

"The Indians of the coast and those of the interior were jealous of each other; in fact were hereditary foes and it was after generations of bitter feuds that an armistice was established between them. Before the arrangement of this aboriginal modus vivendi the interior or Stick Indians were not allowed to hunt or trap on the Pacific slope, the coast or Chillas Indians holding all the territory which lies between the sea and the mountains and as their particular reserve.

"When the Russians established trading posts on the coast of Alaska, the Chillas sent envoys to the Sticks and proposed peace terms so that their furs could be exchanged. A truce was made by which the Sticks were allowed to come across the divide laden with furs to a certain point where the Chillas met them with a stock of goods from the store houses of the Russians and there at stated times of the year a great Indian fair was held. A meeting place was outside of the timber line and as no wood was available the Indians built stone huts of the most primitive construction and those huts were used in common year after year by the trader. These were the so-called monuments."

## WILL TRY AND REFORM STAGE

NEW YORK, Oct. 30.—Members of the Church Club have become affiliated with the Actors' Church Alliance of America at a joint meeting in this city. Heretofore the membership for the alliance has included only theatrical folk and clergymen.

The members of the Church Club who pledged their support to the movement did so after listening to the story of the Alliance told by the Rev. Dr. Walter E. Bentley, rector of the Church of the Holy Sepulchre and General Secretary of the Alliance. He explained for the first time how the alliance has planned to "knock out" the immoral plays in America.

A committee of clergymen has been appointed, he said, to visit the various plays, and to ascertain which are fit for the religious men and women to see and hear, and for the children to know about. That committee, he said, includes several of the first clergymen in New York.

The information collected by those men will be sent to pastors of the churches in every city in the country, and those men, with sympathetic, influential members of their congregations, will work quietly among the people and induce them not to patronize the plays when they come to town. A similar course will be pursued with plays that are found worthy and elevating, the ministers and laymen asking their friends to attend. It is hoped, he said, that in a few years a complete reform of the stage in America may be brought about.

Dr. Bentley declared that the stage is a means by which many existing evils might be remedied, but he declared it to be under the present conditions degrading and demoralizing.

# CONVICTS PLOTTED TO GET GUNS

## Had Arranged to Shoot Their Pursuers.

The life of Warden Henry, and perhaps of several police officials, might have been sacrificed by the three negro desperadoes of Oahu prison, who escaped and were quickly recaptured on Thursday, had not their carefully laid plans gone wrong, for the negroes had made arrangements to secure arms and ammunition, but the man who was to have got these failed to carry out his part of the program.

For weeks the three negroes have been laying careful plans for escape and revenge upon the prison officials, and particularly on Warden Henry, whom all have declared to be an enemy, and whom they say they will murder at the first opportunity. Recently a sailor got a short term in Oahu prison. He was employed in the same gang at Makiki as the negroes, and to him they confided their plans of escape and asked his cooperation. They realized that he would soon be free, and figured out to a nicety the day of his release. They told him of the wrongs they alleged had been done to them, and said they would be avenged and would compensate the man of the sea liberally for any help he might give them. The sailor thought it best to keep on friendly terms with the trio during the time he remained in prison and so promised to do anything they wished, knowing that the promises would not have to be kept.

The negroes showed him a tree near the lantana bushes and but a short distance from where they were working. They declared that they would run, in making their escape, by the tree and then into the dense lantana thickets of the hills back of the quarry. They told the sailor that he should get a gun or revolver and ammunition, which should be placed at the foot of this tree, and when they were escaping they would secure it as they passed and be able to kill the Warden and beat off any pursuit that might be made by police.

The sailor readily agreed to do this. He also agreed to have the gun in place by Thursday, and so on that date the three negroes made a break for liberty. They chased right by the tree, but found no gun there, for after being released from prison the sailor decided that his best course would be to get a ship and start on the work of the sea again. He did not get a vessel immediately and yesterday morning read of the escape of the negroes. Then he told the story as related above to Captain Bray of the Sailors' Home.

That Woods, the life man, is a most desperate character, no one doubts. While being brought into the prison after his recapture he joked with the officers escorting him. "I'm in for life; no reason for this. If I got to stay there I'll make some reason for it. You wait, I will kill some one," he said, and a moment later he espied a Hawaiian girl whom he had seen each morning and evening on his march to and from the stone quarry. He shouted: "How de do!" The girl shook her head and said: "Too bad, too bad!" The three negro convicts are now in solitary confinement in darkened cells.

Shot for a Joke.

NEW YORK, Oct. 30.—After suffering intense pain for two days, asserting vigorously, meanwhile, that his foot had been injured by a charge of shot from his own gun, Charles Hasser of Union Hill has confessed that he



## MEN, WOMEN, HERE IS HEALTH AND STRENGTH

Sick and Weak People: I can cure you with Electricity, as I have cured thousands of others. I can make the blood circulate in your veins, the nerves tingle with vigorous life and the spirit of energy show itself in every move of your body. I have told you that Electricity is "Life," and now all scientists and doctors are approving my claim. Let me prove it to you; let me show you how my method of applying this great power has revolutionized medical treatment.

Dr. McLaughlin's Electric Belt

IS A MODEL, A MODERN HOME TREATMENT. My twenty years of study are shown in this grand appliance. You wear it with comfort at night, and the Electricity infused into your body cures all Nervous and Vital Trouble, Kidney and Bladder Troubles, Rheumatism, Lame Back, Indigestion, Weak Stomach and all forms of pain and weakness. It restores the life while you sleep, and must cure.

DO YOU SUFFER? If so, don't hesitate, don't waste your time on drugs, which give no strength. Wear this life-giving appliance as I direct and it will cure you. Come and see me today. See what has been done for others. Test it free, get my free advice and follow it. You will find it the road to health.

READ MY BOOK. I have a book which every man should read (one for women also). It tells facts that are of interest to every man who wants to remain young in vitality at any age. Send for this book today, if you can't call. I mail it, sealed, free. If you call I will give you a free test. Remember, my belt does not burn, though you feel the current and can regulate it. I warrant it to give a strong current for years, though no man who uses it right needs it over three months. Cut this out and act today.

OFFICE HOURS—DR. M. E. McLAUGHLIN, 906 Market St. 8 a. m. to 8:30 p. m., San Francisco, Cal. Sundays 10 to 1.

NOTE—When you use Dr. McLaughlin's Electric Belt you are under the care of a physician. Agents or drug stores are never allowed to sell these goods.

## Low Wheel Buggies at Cost

To dispose of our stock of Low Wheel Rubber Tired Buggies, we will sell them at cost.

Former Price	\$160.	Now	\$125.
"	"	175.	" 135.
"	"	200.	" 160.
"	"	250.	" 200.

Note these figures—Nothing like them were offered before. Substantial reductions on all other vehicles. Harness, Whips, etc. likewise reduced.

## Pacific Vehicle & Supply Co., Ltd.

Beretania St., Near Fort.

## Order Your

Lemon Soda,  
Root Beer,  
Ginger Ale,  
Cream Soda,  
Orange Cider,  
Pineapple Cider,  
Kamel,  
Strawberry,  
Sarsaparilla  
and Iron

from an old house with an established reputation. Free delivery to all parts of the city and Waikiki

## Consolidated Soda Water Works

COMPANY, LTD.  
Telephone Main 71.  
Works 601 Fort street.

## Castle & Cooke,

—LIMITED—

## LIFE and FIRE INSURANCE AGENTS. . .

AGENTS FOR  
New England Mutual Life Insurance Co  
OF BOSTON,  
Aetna Life Insurance Company  
OF HARTFORD.

# Twine and Fish Line

SPECIAL IMPORTATION  
DIRECT FROM FACTORY  
IN THE NUTMEG STATE

## A Full Line of Bag Twine Fish Hooks

All Sizes, Tinned and Japanned. See Our Window.

## Pacific Hardware Co., Ltd.

Fort Street, Corner Merchant Street.